

2 Sec. 33. Section 75-363, Revised Statutes Supplement,
3 1998, as amended by section 1 of Legislative Bill 161, Ninety-sixth
4 Legislature, First Session, is amended to read:

5 75-363. (1) The parts of the federal Motor Carrier
6 Safety Regulations, 49 C.F.R., ~~listed in subdivisions (a) through~~
7 ~~(j) of this subsection or~~ as modified in this section and any other
8 parts referred to by such parts, in existence and effective as of
9 January 1, 1999, are adopted as Nebraska law. ~~The Except as~~
10 ~~otherwise provided in this section, the~~ regulations shall be
11 applicable to all carriers, drivers, and vehicles to which the
12 federal regulations apply, to all vehicles of intrastate motor
13 carriers with a gross vehicle weight rating over ten thousand
14 pounds, to all intrastate motor carriers in the operation of
15 vehicles with a gross vehicle weight rating over ten thousand
16 pounds, and to all drivers of such vehicles if the drivers are
17 operating a commercial motor vehicle as defined in section 60-465
18 which requires a commercial driver's license. ~~except as provided~~
19 ~~in subsections (2) and (3) of this section.~~ The Legislature hereby
20 adopts, as modified in this section:

21 (a) Part 382 -- Controlled Substances And Alcohol Use And
22 Testing;

23 (b) Part 385 -- Safety Fitness Procedures;

24 (c) Part 390 -- Federal Motor Carrier Safety Regulations:
25 General;

26 (d) Part 391 -- Qualifications Of Drivers;

27 (e) Part 392 -- Driving Of Motor Vehicles;

1 (f) Part 393 -- Parts And Accessories Necessary For Safe
2 Operations;

3 (g) Part 395 -- Hours Of Service Of Drivers;

4 (h) Part 396 -- Inspection, Repair And Maintenance;

5 (i) Part 397 -- Transportation Of Hazardous Materials;
6 Driving And Parking Rules; and

7 (j) Part 398 -- Transportation Of Migrant Workers.

8 (2) The provisions of subpart E, Physical Qualifications
9 And Examinations, of 49 C.F.R. part 391, Qualifications Of Drivers,
10 shall not apply to any driver subject to this section who: (a)
11 Operates a commercial motor vehicle exclusively in intrastate
12 commerce; and (b) holds, or has held, a commercial driver's license
13 issued by this state prior to July 30, 1996.

14 (3) The regulations adopted in subsection (1) of this
15 section shall not apply to farm trucks registered pursuant to
16 section 60-330 with a gross weight of sixteen tons or less or to
17 fertilizer and agricultural chemical application and distribution
18 equipment transported in units with a capacity of three thousand
19 five hundred gallons or less if the equipment is not required to be
20 placarded pursuant to section 75-364. The following parts and
21 sections of the federal Motor Carrier Safety Regulations shall not

22 apply to drivers of farm trucks registered pursuant to section
23 60-330 and operated solely in intrastate commerce:

- 24 (a) All of part 391;
- 25 (b) Section ~~395.08~~ 395.8 of part 395; and
- 26 (c) Section 396.11 of part 396.

27 (4) For purposes of this section, intrastate motor
1 carriers shall not include any motor carrier or driver excepted
2 from the federal Motor Carrier Safety Regulations by section
3 390.3(f) of part 390 or any nonprofit entity, operating solely in
4 intrastate commerce, organized for the purpose of furnishing
5 electric service.

6 (5) Part 395 -- Hours Of Service Of Drivers, ~~of the~~
7 ~~federal Motor Carrier Safety Regulations adopted in subsection (1)~~
8 ~~of this section~~, shall apply to motor carriers and drivers who
9 engage in intrastate commerce as defined in section 75-302, except
10 that no motor carrier who engages in intrastate commerce shall
11 permit or require any driver used by it to drive nor shall any
12 driver drive:

- 13 (a) More than twelve hours following eight consecutive
14 hours off duty; or
- 15 (b) For any period after having been on duty sixteen
16 hours following eight consecutive hours off duty.

17 No motor carrier who engages in intrastate commerce shall
18 permit or require a driver of a commercial motor vehicle,
19 regardless of the number of motor carriers using the driver's
20 services, to drive for any period after:

- 21 (i) Having been on duty seventy hours in any seven
22 consecutive days if the employing motor carrier does not operate
23 every day of the week; or
- 24 (ii) Having been on duty eighty hours in any period of
25 eight consecutive days if the employing motor carrier operates
26 motor vehicles every day of the week.

27 (6) Part 395 -- Hours Of Service Of Drivers, ~~of the~~
1 ~~federal Motor Carrier Safety Regulations~~ as adopted in subsections
2 (1) and (5) of this section relating to maximum driving and on-duty
3 time for drivers, shall not apply to drivers transporting
4 agricultural commodities or farm supplies for agricultural purposes
5 when the transportation of such commodities or supplies occurs
6 within a one-hundred-air-mile radius of the source of the
7 commodities or the distribution point for the supplies when such
8 transportation occurs during the period beginning on February 15 up
9 to and including December 15 of each calendar year.

10 (7) ~~Part~~ Section 390.21 of part 390 -- Federal Motor
11 Carrier Safety Regulations: General, ~~of the federal Motor Carrier~~
12 ~~Safety Regulations~~, adopted in subsection (1) of this section
13 ~~relating to~~ 49 C.F.R. 390.21 -- Marking of commercial motor
14 vehicles, shall not apply to farm trucks and farm truck-tractors

15 registered pursuant to section 60-330 and operated solely in
16 intrastate commerce. apply to all Nebraska intrastate motor
17 carriers operating vehicles solely in intrastate commerce and:
18 (a) All motor vehicles or combinations of vehicles in
19 intrastate commerce that transport property or passengers and have
20 a manufacturer's gross vehicle weight rating over ten thousand
21 pounds; or
22 (b) All farm trucks and farm truck tractors, except for
23 those farm trucks and farm truck tractors registered pursuant to
24 section 60-330 with a gross weight of sixteen tons or less; or
25 (c) All motor vehicles required to be placarded pursuant
26 to section 75-364."